

REMARKS

In the Office Action, the Examiner rejected claims 10, 12-15, 18, 20-23, 27 and 30 under 35 USC 102. The rejections are fully traversed below.

Claims 15, 18, 20 and 25-27 have been amended. Claim 15 was amended to remove the limitation “the mouse housing having no separate mechanical buttons disposed thereon,” which was moved into claim 15 in the previous response from claim 17. It is believed that this limitation was not needed to overcome the previous rejection to claim 15 (e.g. Medina in the previous action does not disclose a “handheld mouse” or “a mouse housing configured to be grasped and manipulated by a hand of a user” as required by claim 15). Claim 18 was amended to change it from an independent claim to a dependent claim depending from claim 15. Claim 20 was amended to include allowable subject matter as discussed below in the section titled “*Allowable Subject Matter*”. Claims 25-27 were amended to correct their dependency. Claims 11, 23 and 24 have been cancelled. Claims 35 - 38 have been added. Thus, claims 10, 12-15, 18, 20-22, 25-38 are pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

DRAWINGS

Formal Drawings will be supplied when the case is allowed.

ISSUES UNDER 35 USC 102(b)

Claims 10, 12-15, 18, 20-23, 27 and 30 have been rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,198,473 (*Armstrong*).

In *Armstrong*, the mouse includes buttons 103 and a housing 104 that are separate and distinct components. In contrast, the mouse of the present invention combines the mouse housing and the mouse button(s) into a single integrated unit (the features of which are defined in the claims). That is, while *Armstrong* may disclose a mouse, *Armstrong* does not teach or suggest a portion of a mouse housing that acts like a button. The mouse described in *Armstrong* is a conventional mouse that includes a depressible button independent of the housing of the mouse, i.e., the housing of the mouse does not serve as a button.

In contrast to *Armstrong*, claim 10 (and its dependents) specifically requires, "...the button function being incorporated into a housing component of the mouse, the housing component being configured to substantially enclose electronics associated with the mouse." In *Armstrong*, it is the buttons 103 that implement the button function not the housing 104, i.e., the button function is incorporated into buttons 103. . The buttons 103 are not a housing component. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to *Armstrong*, claim 15 (and its dependents) specifically requires, "...a mouse housing configured to be grasped and manipulated by a hand of a user...and serving as a movable button so as to perform an onscreen action..." While *Armstrong* may disclose a mouse 200 having a housing 104, *Armstrong* fails to teach or suggest a housing 104 that is movable so as to perform an onscreen option (e.g., button click). In *Armstrong*, it appears that the housing 104 provides a surface to the user so that the user may move the mouse 200 along a surface. The housing 104, however, does not provide a movable housing (e.g., clicking action) for performing on screen options as required by claim 15, i.e., the housing 104 is a fixed component. It appears that the onscreen options are performed by depressible buttons 103. The buttons 103, however, are not a mouse housing and further the buttons 103 are not configured to be grasped and manipulated by a hand of a user. A user would simply not hold onto the buttons 103 to move the mouse around a surface. This function is performed by the housing 104 not the buttons 103. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Allowable Subject Matter

Claim 20 has been amended to include the limitations from allowed dependent claim 24 and intervening claim 23. Claims 35 -37 have been added. Claim 35 includes the limitations from claim 10 and allowed dependent claim 11. Claim 36 includes the limitations from previous claim 20 and allowed dependent claim 29. Claim 37 includes the limitations from previous claim 20 and allowed dependent claim 31. Claims 20 and 35 - 37 (and their dependents) are therefore allowable as the Examiner indicated allowable subject matter in the previous Office Action. Claims 32- 34 have already been allowed.

SUMMARY

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Quin C. Hoellwarth
Reg. No. 45, 738

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300